



DATE: July 20, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adopt an Ordinance Amending the Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses Through the Amendment of Hayward Municipal Code, Chapter 10 (Planning, Zoning and Subdivisions)

RECOMMENDATION

That the Council adopts the Ordinance introduced on July 6, 2021.

SUMMARY

This item entails adoption of an Ordinance amending Chapter 10 (Planning, Zoning and Subdivisions) of the Hayward Municipal Code, introduced on July 6, 2021, by Council Member Wahab.

BACKGROUND

The Ordinance was introduced by Council Member Wahab at the July 6, 2021, meeting of the City Council with the following vote:

AYES:	COUNCIL MEMBERS: Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeno
	MAYOR Halliday
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

The introduction of the Ordinance included the following amendments: increase the buffer from schools to 1,000-foot; set the maximum size limitation applied to the retail storefronts as part of a microbusiness to 10% of the total first floor area of the microbusiness or 1,000 square feet total, whichever is less; limit what can be sold for those retail storefronts as part of microbusinesses; and participate in the Adopt-A-Block program.

City staff has revised the ordinance to reflect Council's recommendations. The revised ordinance (Attachment III) contains additional changes in red text and yellow highlight. The additional amendments are also included below.

10-1.3603 Commercial Cannabis Businesses.

- B.** Required Setbacks. All Commercial Cannabis businesses operating within the City of Hayward shall be subject to a **1,000-foot minimum setback from any public or private school** and a 600-foot minimum setback from **all other** sensitive land uses as described in California Business and Professions Code Section 26054 and California Health and Safety Code Section 11362.768, including libraries, designated public open space areas and designated public parks that contain a children's playground(s) or similar area dedicated towards children activities, including but not limited to sports fields and swimming pools. The required **600-foot** setback may be reduced as part of the issuance of a Conditional Use Permit from the Planning Commission if it is found that the public convenience and necessity will be served by an alternate distance requirement and that alternative measures to assure public health and safety are in place with respect to a commercial cannabis business. The distance shall be measured from the closest boundary line of the property on which the Commercial Cannabis Business is located to the closest boundary line of the property on which the school or sensitive land use is located.

10-1.3604 General Requirements.

- K.** Nuisance Abatement. Commercial Cannabis Business Operators shall take all reasonable steps to discourage and correct conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys, and areas surrounding a permitted facility. Such conditions include but are not limited to: smoking; creating a noise disturbance; loitering; littering; and graffiti. Graffiti must be removed from property and parking lots under the control of the permittee within 48 hours of discovery. **To mitigate potential nuisances, all cannabis operators shall participate in the Adopt-A-Block program with Keep Hayward Clean and Green Task Force.**

10-1.3609 Commercial Cannabis Microbusiness

- D.** Retail Use. The retail sales of cannabis and cannabis products (storefront) is allowed as a component of a microbusiness operation as defined by Business and Professions Code section 26070. The operator must hold a microbusiness (Type 12) license issued by the state Bureau of Cannabis Control. **The cumulative floor area of the storefront retail component shall not exceed 10 percent of the first-floor area of the industrial building used for microbusiness activities or 1,000 square feet, whichever is less. All cannabis and cannabis products for sale as part of an ancillary storefront retail activity must have been cultivated, produced, or manufactured on-site. For non-storefront retail uses, there is no size limitation for non-storefront retail activities and there is no limitation to what retail cannabis products can be sold.**

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to one of the priorities outlined in the Council's Strategic Roadmap.

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

The summary of the Ordinance was published in the Hayward Daily Review on Friday, July 16, 2020. Adoption, at this time, is therefore appropriate.

NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared and Recommended by:

Jeremy Lochirco, Acting Planning Manager
Miriam Lens, City Clerk

Approved by:



Kelly McAadoo, City Manager